

IN THE HIGH COURT OF KARNATAKA AT BANGALORE
DATED THIS THE 18TH DAY OF JUNE 1998

Before

THE HON'BLE MR.JUSTICE P.VISHWANATHA SHETTY

WRIT PETITION NO.17600/98

Karnataka Dinad, litha Sarva
Samata Seva ~~Sanga~~, (R).
Channkeshava nagar,
Singhasandra Dakale,
Housr Main Road,
Bangalore-68,
rep. by its President
Sri C.Nagaraj,
s/o Gurappa, a/a 36 yrs.

Petitioners

(By Sri Narayanaswamy, Advocate)

vs

1. The Deputy Commissioner,
Bangalore (Urban) Dist,
Bangalore.
2. The Chief Officer,
CityMunicipal Council,
Bommanhalli,
Bangalore South Taluk.
3. Sri Srinivasa Reddy,
s/o Hanama Reddy,
major,
R/o Parapana Agrahara,
Begur Hobli,
Bangalore (S) Tw.
4. Sri Nagaraju,
s/o Shamanna Reddy,
major,
r/o Channkeshava Nagara,
Singhesandra Dakale,
Hosur Main Road,
Bangalore-68.

5. Sri Chinnappa,
r/o Chowdappa, major,
r/o Channkeshava Nagara,
Singhasandra Dakale,
Hosur Main Road,
Bangalore-68.

Respondents

(By Sri B.E.Kotian, Addl. HCGA for R1 to 2)

This writ petition is filed u/a 226 and 227 of the Constitution of India praying to direct the R1 and 2 to take effective action against R3 to 5 from encroaching upon the land in Sy.No.41 and 42, situated at Neelasandra village, Begur Hobli, Bangalore South Taluk belonging to the Govt. and which have been granted to the members of the petitioners association, in accordance with law.


This writ petition coming on for preliminary hearing this day, the court made the following :-

O R D E R

Sri Kotian, learned Government Advocate is directed to take notice to Respondents 1 and 2.

2. Since I am not inclined to grant relief as against Respondents-3 to 5 in this petition, notice to Respondents 3 to 6 is disposed with.


3. The petitioner in this petition claims to be a registered association and has filed this petition for the purpose of its members.



4. It is the case of the petitioner that certain lands were allotted to the members of Association by the Government and inspite of that the respondents-3 to 5 are encroaching upon the said land and therefore, a direction may be given to the respondents-1 and 2 to restrain respondents-3 to 5 from encroaching upon the lands allotted to the members of the Association.

5. Sri Narayanaswamy, learned counsel appearing for the petitioner submitted that though the petitioner has given representations to Respondents-1 and 2 to restrain Respondents-3 to 5 from enroaching on the lands/sites allotted to the members of the petitioner-Association and also issue necessary Khatha certificate pursuant to the sites allotted to the members of petitioner-Association, no steps have been taken by the Authorities to protect possession to the members of Association in respect of the sites allotted to them and to issue Khatha Certificate.

6. Having regard to the facts and circumstances of the case and without going to the correctness of the assertion made by the



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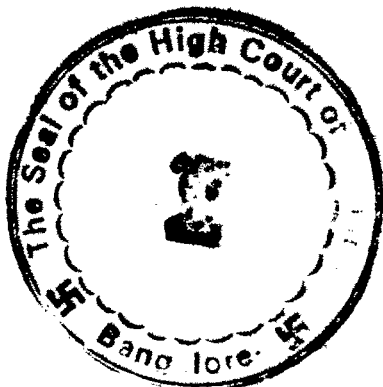
petitioner in this petition, the only direction that can be given in this petition at this stage is to direct Respondents-1 and 2 to dispose of the representations dated 9th November, 1989, 21st December, 1989, 19th September, 1989, 21st August, 1990, 25th May, 1998, 22nd April, 1998, 28th May, 1998, copies of which have been produced as Annexures-C, C1, C2, D, E, F, and G, respectively. However, it is made clear that the direction given to the Respondents-1 and 2 to dispose of the representations given by the petitioner should not be understood as this court expressing its view one way or the other on the merits of the claim made by the petitioner and the Authorities are entitled to examine the correctness of the statement made in the representation and take appropriate decision in the matter. However, the respondents are directed to take decision and dispose of the representation stated to have been made by the petitioner, within six months from the date of receipt of a copy of this order. It is further made clear that the direction given in this petition to dispose of the representations also should not be understood as this court expressing its view ~~one~~ way or the other against respondents-3 to 5 and if the petitioners have

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any grievance against the Respondents-3 to 5, it is open to them to seek appropriate relief before the Civil court.

7. Accordingly, this petition is disposed of.

8. Sri Kotian, learned Government Advocate is given four weeks time to file his memo of appearance.



Sd/-
JUDGE